

JENKINS  
WILSON  
& TAYLOR

patent attorneys  
July 14, 2004



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 14, 2004.

*Patty Wilson*  
Patty Wilson  
Date of Signature July 14, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/000,151 for  
HUMAN KCR1 REGULATION OF HERG POTASSIUM  
CHANNEL BLOCKER  
Our Ref. No. 1242/49/2

Sir:

Please find enclosed the following:

1. Response to Office Communication (2 pages);
2. Sequence Listing on paper (22 pages) and CRF;
3. Statement that paper copy and CRF are the same (1 page);
4. Copy of Office Communication (2 pages); and
5. A return-receipt postcard to be returned to our offices with the U.S. Patent and Trademark filing stamp thereon.

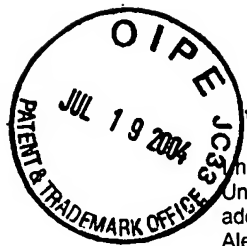
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Arles A. Taylor, Jr.  
Registration No. 39,395

AAT/ptw  
Enclosures  
Customer No: 25297



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Patty Wilson  
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Date of Signature July 14, 2004

1647  
Baser  
IFU

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Balser et al.

Group Art Unit: 1647

Serial No.: 10/000,151

Examiner: Bunner, B.

Filed: October 30, 2001

Docket No.: 1242/49/2

Confirmation No.: 8248

For: HUMAN KCR1 REGULATION OF HERG POTASSIUM CHANNEL BLOCKER

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RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the "Office Communication" dated June 25, 2004, and having a period for response set to expire on July 25, 2004, please find enclosed a new Sequence Listing in computer readable form. A new paper copy of the Sequence Listing is also enclosed. The new computer readable form and paper copy do not introduce any new matter.

A copy of the Office Communication is attached herewith.

Appl. Serial No.: 10/000,151

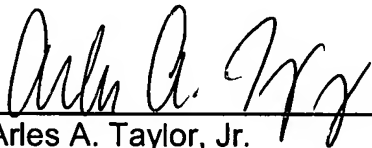
Applicants are additionally supplying a new statement verifying that the paper copy of the Sequence Listing and the Sequence Listing in computer readable form are identical.

Although it is believed that no fee is due, the Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: 07/14/2004

By:   
Arles A. Taylor, Jr.  
Registration No. 39,395

1242/49/2 AAT/ptw

Enclosures

Customer No: 25297



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/000,151

10/30/2001

Jeffrey R. Balser

1242/49/2

8248

25297

7590

06/25/2004

JENKINS & WILSON, PA  
3100 TOWER BLVD  
SUITE 1400  
DURHAM, NC 27707



EXAMINER

BUNNER, BRIDGET E

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

JUN 28 2004

DOCKET DATES: 7/25; 8/25; 9/25; 10/25;  
ASSIGNED ATTY: AAT/CPP 11/25;  
FILE NO. 1242/49/2  
DOCKETED BY: HMD 12/25/04  
DATE: 7/2/04

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/000,151		Balser et al.	

**EXAMINER**

Bunner, B.

**ART UNIT****PAPER**

1647

06232004

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth at pg 2-3 of the previous Office Action of 10 November 2003. Specifically, the paper copy of the sequence listing does not match the CRF sequence listing. Although Mr. Taylor indicated in the response of 09 April 2004 that a new paper and CRF sequence listing were submitted to the PTO, neither has been received. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bridget E. Bunner whose telephone number is (571) 272-0881. The examiner can normally be reached on 8:30-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached at (571) 272-0887. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BEB  
Art Unit 1647  
23 June 2004

**ELIZABETH KEMMERER  
PRIMARY EXAMINER**